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| APPLICATION NO. 08/055,574 | FILING DATE 10/23/97 | FIRST NAMED INVENTOR SEARFOSS | ATTORNEY DOCKET NO. T SET-0106-PUS |
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PM11/0611

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| EXAMINER |
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HOGE, G

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| ART UNIT | PAPER NUMBER |
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3612

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DATE MAILED: 06/11/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/956,574

Applicant(s)
Searfoss

Examiner
Gary C. Hoge

Group Art Unit
3612



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 8, 9, 14, and 16-18 is/are rejected.
- ☒ Claim(s) 2-7, 10-13, 15, 19, and 20 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Heider et al.

Regarding claims 1 and 17, see Figs. 16 and 17.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Compton in view of Heider et al.

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Compton discloses the invention substantially as claimed, except that Compton does not disclose a brake for the motor. Heider et al. discloses that it was known in the art to provide a brake for an electric motor (see Figs. 16 and 17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the motor disclosed by Compton, in order to prevent the tarp from moving when the motor is not activated.

Allowable Subject Matter

5. Claims 2-7, 10-13, 15, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. It is highly recommended that any response to this communication be filed by fax, if possible, to assure prompt processing and entry thereof. The Technology Center 3600 Fax number is (703) 305-7687.

Proposed informal amendments which are for discussion purposes only, and not for entry, can be sent by fax directly to the examiner at (703) 308-3297. Please contact the examiner at the telephone number listed below and provide advance notification when sending an informal fax communication.

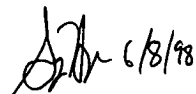
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hoge whose telephone number is (703) 308-3422. The examiner can normally be reached on Monday-Thursday from 7:30 to 4:00. The examiner can also be reached on alternate Fridays.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1113**.

Handwritten signature of Gary C. Hoge, dated 6/8/98.

GARY C. HOGE
PRIMARY EXAMINER

gch
June 8, 1998